

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
Courtroom 6C Calendar**

Friday, January 14, 2022

Hearing Room 6C

9:00 AM

8:21-12365 Joel Romero-Renteria

Chapter 7

#1.00

CONT'D Hearing RE: Motion for Dismissal of Joel Romero-Renteria's Bankruptcy for Bad Faith (Motion filed 11-28-21).

FR: 12-20-21

Docket 8

Tentative Ruling:

APPEARANCES REQUIRED.

On February 28, 2019, Joel Romero-Renteria ("Debtor") was traveling at a high rate of speed on Interstate 5 Freeway and struck a vehicle driven by Bruce Murray ("Mr. Murray"). Mr. Murray was rendered unconscious and suffered extremely serious injuries. He alleges that he did not begin regaining consciousness until the week of March 25, 2019, an indication of the gravity of his injuries.

Mr. Murray brought suit against Debtor in Orange County Superior Court in or around January 2020, seeking general damages, reimbursement of medical and related expenses, damages for loss of earnings and other items. Debtor filed a chapter 7 petition on September 30, 2021.

Mr. Murray moves to dismiss this case (the "Motion") pursuant to 11 U.S.C. § 707(b) (3) (bad faith and the totality of the circumstances). Mr. Murray contends in the Motion that Debtor filed this bankruptcy case to stay, delay and thwart state court litigation.

Bankruptcy law generally permits an honest debtor who complies with applicable bankruptcy statutes and rules to discharge all his debts except those that are excepted from discharge pursuant to 11 U.S.C. § 523. Although it may shock some people's sensibilities, indebtedness arising from horrendous acts of negligence (but not

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involving criminal liability and restitution) are usually eligible for discharge.

A person facing a financially crippling judgment for negligence has good reasons for filing bankruptcy, namely, obtaining a discharge from such a judgment. That would appear to be the case here. Filing a chapter 7 petition under these circumstances to obtain a fresh start is, under the law, not bad faith.

The Motion is denied without prejudice.

Party Information

Debtor(s):

Joel Romero-Renteria

Represented By
Daniel King

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se